

Remarks/Arguments

Claims 5, 6, 9-14, 18 and 19 have been previously withdrawn as a result of a restriction requirement. Claims 1-4, 7, 8, 15-17, 20 and 29-31 have been previously canceled. Claims 22-24, 26, 28 and 36 are canceled. Claims 21, 25, 27, 32 -34 and 37-40 are currently amended. A Petition for Extension of Time is submitted concurrently herewith requesting an additional period of three months, up to and including June 29, 2006.

Claim 21 has been amended to include only sub-part (e), an isolated having at least 97% sequence identity with the sequence of SEQ ID NO:12.

Claims 32 and 33 have been amended to clarify that a composition or expression vector contains an isolated polynucleotide according to claim 21, respectively.

Claim 34 has been amended to clarify that an isolated host cell contains an expression vector according to claim 33.

Claim 37 has been amended to include only sub-parts (b), (c) and (e).

Claim 38 has been amended to clarify that a recombinant vector comprises an isolated nucleic acid molecule selected from sub-parts (a) – (c) of claim 37.

Claim 39 has been amended to clarify that a recombinant host cell comprising a recombinant vector.

Claim 40 has been amended to clarify that an isolated polynucleotide is fully complementary to a polynucleotide according to any one of sub-parts (a) – (c) of claim 37.

Claims 22-24, 26, 28 and 36 are canceled.

Claim 25 and 27 have been amended to correct dependency due to the cancellation of claims 22 and 23.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 21, 26, 28, 32-40 are rejected under 35 USC 112, first paragraph for lack of description within the specification for the claimed genera. Claim 21 has been amended as indicated above to define the genera as an isolated polynucleotide sequence having at least 97% sequence identity with SEQ ID NO 12. The Examiner has found that SEQ ID NO 12 is allowable subject matter. Claim 37 has been amended as indicated above to further define the genera to an isolated polynucleotide consisting of specific nucleotide sequences of SEQ ID NO 12, which encode specific amino acid sequences of SEQ ID NO 13. Claims 26, 28 and 36 are canceled as indicated above.

New rejections under 35 U.S.C. § 102/103

Claim 36 is rejected under 35 USC 102(b) as being anticipated by or in the alternative, under 35 USC 103(a) as obvious over Birren et al. Claim 36 has been canceled as indicated above thereby rendering this rejection moot.

New rejections under 35 U.S.C. § 112, second paragraph

Claims 32-36, 38-40 are rejected under 35 USC 112, second paragraph for claiming a single polynucleotide while depending from claims that are drawn to several polynucleotides. The metes and bounds of the claims have been clarified by the amendments indicated above. Claims 32 - 35 have been amended to comprise "an isolated polynucleotide" and "an expression vector", respectively. Claim 36 has been canceled. Claims 38 - 39 have been amended to comprise "an isolated nucleic acid molecule", "a recombinant vector" and "a polynucleotide", respectively.

Applicants respectfully request the Examiner to reconsider and withdraw the above rejections.

The Commissioner is authorized to charge Deposit Account 19-3880 (Bristol-Myers Squibb Company) for any requisite fees due or to credit any overpayment. The Examiner is invited to contact the undersigned if there are any questions relating to the prosecution of this application.

Respectfully submitted,



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